



WEB COPY



W.P.No.11047 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11047 of 2021
and W.M.P.Nos.11692 & 11694 of 2021

The Secretary,
Sacred Heart Arts and Science College,
Perani, Tindivanam Taluk,
Villupuram District – 605 651.

... Petitioner

-Vs -

1. The State of Tamil Nadu
Rep. by its Principal Secretary,
Department of Higher Education,
Fort St. George,
Chennai – 600 006.
2. The Director of Collegiate Education,
College Road,
Chennai – 600 006.
3. The Joint Director of Collegiate Education,
Vellore Region,
Vellore District – 635 006.
4. The Thiruvalluvar University,
Rep. by its Registrar,
Serkkadu, Vellore,
Vellore District – 632 115.

... Respondents



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Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned order issued by the first respondent State Government in G.O.(Ms.)No.257, Higher Education (E1) Department dated 31.08.2017, quash the same, insofar as it restricts the status of the petitioner college as a Christian Minority Educational Institution to a limited period of five years from 2017-2018 to 2021-22.

For Petitioner : Mr.Godson Swaminath
For M/s.Isaac Chambers
For Respondents
For R1 to R3 : Mr.R.Neethi Perumal
Government Advocate

ORDER

This writ petition has been filed challenging order dated 31.08.2017, passed by the first respondent, thereby restricting minority status of the petitioner institution for a limited period of five years from 2017-2018 to 2021-22.

2. This issue is no longer res integra. The Division Bench of this Court in the *State of Tamil Nadu Vs. Secretary/ Correspondent, Loyola College (Autonomous)* has held that such restriction cannot be made and the minority status given to a minority Institution will hold good without any restriction of period. The Division Bench has also



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reserved liberty to the Government to proceed if it finds that there is any change in the constitution of the Educational Agency or if the Institution is run contra to the memorandum of Association/Bye-law of the State. There are other decisions of this Court taking a similar view. To quote one is ***Secretary, Jeyaraj Annapackiam College for Women Vs. State of Tamil Nadu*** reported in ***2013 (8) MLJ 509***.

3. In view of the above binding judicial pronouncements of this Court, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

10.06.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts

To

1. The Principal Secretary,
State of Tamil Nadu,
Department of Higher Education,
Fort St. George,
Chennai – 600 006.



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G.K.ILANTHIRAIYAN. J.

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